APPENDIX 5-A.

[SEE APPENDIX 5, RULE 22 (*d*), NOTE.]

Rules for the payment of Municipal Rates and Taxes on Buildings.

The following rules govern the payment of municipal taxes on buildings in the occupation of Departments of the Central Government or of Government servants under the administrative control of that Government.

I. Taxes on buildings other than residential buildings.

(*a*) If the building is in the occupation of a single department, the taxes should be paid by that department.

(*b*) If the building is in the occupation of more than one department, or if the taxes are payable in a lump sum for a number of buildings in a municipal area, the taxes may be paid, in the first instance, by any one department nominated in this behalf by the Government of India. When one of the several departments occupying a building or buildings assessed to lump sum taxes is either the Military Department or a Commercial Department, a portion of the taxes calculated *pro rata*, in proportion to the accommodation actually occupied by each of the several departments, should be passed on to the Military or the Commercial Department concerned. The balance thereafter remaining, if it relates to a single non-commercial department occupying the rest of the building, should be passed on to that department; if it relates to more than one non-commercial department, it should not be passed on.

NOTE 1.—Before payment is made by a department which is not in occupation of the entire building concerned or, if payment cannot be delayed, as soon after payment as possible, an acceptance should be obtained from every department which is in occupation of any portion of it.

NOTE 2.—No municipal taxes are payable on public buildings situated in cantonments.

II. Taxes on buildings occupied as residences.

(*a*) Except as provided in the note below this rule, taxes which are, by local rule or custom, ordinarily leviable from tenants should be paid, in respect of the term of his occupancy, by the occupant of the building, even though he be entitled to rent-free quarters.

NOTE.—If in any case it has been decided by competent authority that the whole or any portion of the taxes should be borne by Government and not by the occupant of the building, the whole tax should be paid in the first instance by the department in administrative control of the building, and the portion, if any, payable by the occupant should then be recovered from him.

(*b*) Taxes which are, by local rule or custom, not leviable from tenants should be paid by the department in administrative control of the building, the portion representing taxes in the nature of property or house tax being treated as part of the cost of maintenance of such building, and the rest, if any, being recovered from the occupants concerned.

III. Method of payment.

The Government of India have prescribed that municipal taxes payable by Government on Government buildings should be paid by book adjustment or in cash according as the municipalities concerned do or do not bank with a Government treasury.

IV. Certificate to accompany payment.

(*a*) Charges for municipal taxes in respect of buildings which are borne on the books of the Public Works Department should be supported by a certificate from the Public Works Divisional Officer concerned in which he states either that he accepts the assessment or, if he considers any assessment to be excessive, that all means have been or are being taken to secure its reduction. In respect of other Government buildings, the certificate should be given by the departmental officer concerned.

(*b*) If an assessment appears to be excessive, proceedings should be taken to obtain redress under the ordinary Municipal Law.

Recourse to the special provisions of Act XI of 1881 may, however, be had when it has been found impossible to effect an amicable, though possibly arbitrary, settlement with the local authority of a case in which the property to be assessed is, from its nature, such as not to admit of the application of ordinary principles in assessing the payment thereon of any particular tax. An example would be a case in which, whereas the assessment should be on the letting value, the property is of such a nature that it is difficult to conceive of its being let or impossible to form an estimate of the rent which would be obtained if Government offered to let it.